

## **DRAFT CM/ECF ADMINISTRATIVE PROCEDURES**

### **A. Exhibits Filed as Attachments to Motions or Memoranda**

1. Exhibits in support of a motion or memorandum shall be filed electronically in .pdf format.
2. The filer shall verify the readability of scanned document exhibits before submitting them to the court.
3. Filers shall attach only those excerpts of referenced documents which are directly germane to the matter under consideration, clearly labeling them as excerpts. Excerpts are filed without prejudice to the right to timely file additional excerpts or the full document, if allowed by the court.
4. Exhibits totaling 10 or fewer pages shall be filed as a single .pdf attachment to the document, with an index page including the title of the exhibit and the exhibit number and attach the index to the memorandum.
5. Exhibits totaling more than 10 pages shall be electronically filed as follows:
  - a. Create an index to the exhibits including the title of the exhibit and the exhibit number and attach the index to the memorandum.
  - b. Title and number each exhibit and attach the exhibit to the memorandum.
  - c. Any exhibit larger than 2 megabytes shall be divided into parts or sections smaller than 2 megabytes and shall be clearly labeled.
  - d. If the exhibit cannot be filed electronically, the filer shall electronically file a notice of conventional filing and submit the original exhibit and a judge's copy to the court for filing and conventionally serve any opposing party. This provision applies to administrative records, sealed exhibits or diagrams and photographs which cannot be scanned into .pdf format.

In addition, the filer shall file an original of the exhibits with the clerk of court. The exhibits may be in a three ring binder and clearly identified with case name and number. A courtesy copy shall also be delivered for chambers use.

6. Paper courtesy copies shall be delivered for all dispositive motions and other motions on which the judge requests courtesy copies. Counsel *may* deliver paper courtesy copies on other motions.

## **B. Signatures**

- 1. Signature of the Filing Attorney:** Each attorney who files electronically shall be issued a login name and password by the court. Each attorney is responsible for maintaining the security of his or her login and password. The submission of a document, signed with an “s/attorney name”, or electronic image of the attorney’s signature, filed with the attorney’s login and password, shall constitute an original signature for purposes of Rule 11 of the Federal Rules of Civil Procedure.
- 2. Signatures of Other Attorneys:** When a document to be filed requires the signature of attorneys other than the that of the filing attorney, such as a stipulation, the attorney may obtain approval from any other attorney to state that the other attorney has authorized the filing attorney to electronically sign the document. Such approval shall be indicated as follows:

- a. Approval for Electronic Signature

S/ Plaintiff Attorney      Electronic Signature or s/ Filing Attorney  
*(Signed by Filing Attorney with  
permission of Plaintiff Attorney)*

The filing attorney is responsible for maintaining a record of when and how permission was obtained to sign the other attorney’s name until all appeals have been exhausted or the time for seeking appellate review has expired.

- b. Approval by Signature. The filing attorney may obtain and maintain a paper copy of the document signed by the other attorney. Possession of a signed copy shall be indicated as follows:

S/ Plaintiff Attorney      Electronic Signature or s/ Filing Attorney  
*(Signed copy of document bearing  
signature of Plaintiff Attorney  
is being maintained in the office  
of the Filing Attorney)*

The filing attorney shall maintain the signed copy of the document until all appeals have been exhausted or the time for seeking appellate review has expired.

- c. Scanned Signatures. The filing attorney may obtain original signatures, scan the signature page only and file it as an attachment to the pleading or other paper. The filing attorney shall maintain the signed original until all appeals have been exhausted or the time for seeking appellate review has expired.

### 3. Non-Attorney Signatures

Documents that are required to be signed by persons who are not counsel of record (e.g. verified pleadings, contracts, affidavits, etc.) may be submitted in electronic format in any of the following ways so long as the filer has and maintains the signed original until all appeals have been exhausted or the time for seeking appellate review has expired:

- a. An electronic version of the document bearing “s/name” can be filed along with a statement that the filer has the signed original, for example:

S/ Plaintiff Smith\*

\* I certify that I have the signed original of this document which is available for inspection at any by the Court or a party to this action.

Electronic Signature or s/Filing Attorney

- b. An electronic version of the document bearing “s/name” can be filed with a scanned copy of the signature page as an attachment.
  - c. If the document containing original signatures is not digitally available, it may be scanned and filed electronically.
4. **Signatures in Criminal Cases.** Documents in criminal cases requiring the signature of a non-attorney, such as a grand jury foreperson, a defendant, a third-party custodian, a United States Marshal, or an officer from Pretrial Services or Probation will be scanned by the Clerk, docketed in the ECF System, and retained in paper format.
  5. **Signature Disputes.** Anyone who disputes the authenticity of any signature must file an objection to the pleading or other paper within ten (10) days of service.
  6. **Signature of Judges and Court Officials:** The submission of a document, signed with an “s/ name”, or electronic image of the traditional signature, filed with the login and password of a judge or court official, shall constitute an original signature for all purposes.

## **C. Proposed Orders, Judgments, Jury Instructions, Voir Dire Questions, and Findings of Fact and Conclusions of Law**

1. No proposed order shall be transmitted to chambers prior to the filing and docketing of the motion to which the proposed order relates. Proposed jury instructions, voir dire questions and findings of fact and conclusions of law shall be transmitted to the court in the manner prescribed in the scheduling order of the court. Proposed orders, judgments, voir dire questions, jury instructions and findings of fact and conclusions of law shall be prepared as word processing documents and saved in WordPerfect format without the attorney's information appearing in the upper left hand corner and shall be transmitted to the judge via email, with a courtesy copy to all other parties. An additional copy of the proposed order, judgment, jury instruction, voir dire question or findings of fact and conclusions of law shall be saved as a .pdf file and filed electronically as an attachment to the motion to which the order relates or, for other documents, as ordered by the court.
2. If the case has been assigned to a magistrate judge, proposed orders corresponding to non-dispositive civil motions (e.g. motions to compel, motions to modify scheduling orders, etc.) should be submitted to the assigned magistrate judge. Proposed orders corresponding to dispositive motions (e.g. motions to dismiss, motions for summary judgment, motions to remand, etc.) and motions to extend the briefing deadlines relating to dispositive motions should be submitted to the assigned district judge. If the filer is in doubt as to whether to email the proposed order to the assigned magistrate judge or to the assigned district judge, the filer should **not** submit it to both judges. Rather, the proposed order should be e-mailed to the magistrate judge who will, if appropriate, forward the proposed order to the district judge.
3. The proposed orders or other documents shall be clearly identified in the subject line of the sender's email as follows:  
  
Proposed order in (case title) and (case number)  
Plaintiff/Defendant's Proposed Jury Instructions in (case title) and (case number)  
Plaintiff/Defendant's Proposed Findings of Fact and Conclusions of Law in (case title) and (case number)  
Proposed Judgment in (case title) and (case number)
4. The proposed documents shall be e-mailed to the following mailboxes.  
  
*List of e-mail addresses for chambers will follow*
5. Documents prepared for the signature of the clerk of court such as default certificates,

orders to extend time under DUCiv R 77, etc. shall be e-mailed to

*General clerk's office email address will appear here*

#### **D. Correcting Errors**

1. Once a document has been submitted and becomes part of the electronic case file, corrections to the docket text can only be made by the Clerk's Office.
2. If the error is omitting an attachment to a document, the filer shall file the omitted attachment, referring to the prior filing.
3. If a document has been filed in the wrong case, the filer shall notify the court and re-file in the correct case. The clerk's office will remove the document link but not the docket entry in the incorrect case. An explanatory note may be placed in the docket in the incorrect case.
4. If the clerk notes a deficiency in a pleading docketed by an attorney such as an incorrect number of pages or an electronic copy which cannot be clearly viewed, a notice of the deficiency will be docketed in the case and the filer will re-file the pleading with a new docket number and the document link in the original docket entry will be removed but the original docket text will not be removed.
5. If the document filed by the attorney is not allowed to be filed by the Federal Rules of Civil or Criminal Procedure or under the local rules, ( i.e. disclosures, offer of judgment, an amended complaint requiring leave of the court to be filed ), the clerk's office will inform chambers of the problem which can be addressed by a docket text order striking the filing and removing the link to document or image. The original docket text entry will remain.
6. If the error is failure to sign with an "s/ attorney name", the clerk's office will alert the attorney but the document and its link to the docket entry will not be changed.
7. If the filer has made an incorrect docket entry, the docket clerk will place a remark on the incorrect entry, remove the link, and re-docket the document attaching the document to the corrected entry.

#### **E. Technical Failures (Downtime)**

1. A party whose filing is untimely as the result of a technical failure of the court's CM/ECF site may seek appropriate relief from the court.
2. The court shall consider the CM/ECF site to be subject to a technical failure if the site is unable to accept filings for more than one hour after noon on any given day. Scheduled system outages shall be posted on the court's web site. The clerk will maintain a log of any period of technical failure.
3. If the filer has a technical failure on the filer's end, the filer must file the document conventionally.